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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,067	07/31/1998	TOYOAKI NAMBA	503110.083738	9670
29540	7590	07/29/2008		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER HAGEMAN, MARK	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 07/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 2-4, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 2-4 and 8 all recite the limitation "transfer means". There is insufficient antecedent basis for this limitation in the claim. The amendment removed the language transfer means from the independent claim. It is believed the transfer means is the same as the holding means and the claims have been treated as such.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,384,634 to Takehara. Takehara discloses storage means (figure 15) for storing sheets conveyed from an image forming device; matching means (ST and 155) for regulating at least one end of a sheet bunch stored by said storage means to match said end of sheet bunch at a predefined matching position; staple means (200a) for

Art Unit: 3653

stapling said sheet bunch stored by said storage means; holding means (1107 and 38) for once conveying said sheet bunch matched at the matching position back in a first direction opposite to said one end of said sheet bunch and subsequently conveying said sheet bunch forward in a second direction toward said one end of said sheet bunch; and a controlling means (c12 lines 20+) for controlling said stapling means so as to perform a first stapling after once conveying the sheet bunch back in the first direction from said matching position and subsequently perform a second stapling after conveying said sheet bunch forward in the second direction.

Regarding claims 2-10 see figure 15 and c12 lines 20+.

### ***Response to Arguments***

6. Applicant's arguments filed 3-17-2008 have been fully considered but they are not persuasive. Applicant stated, "the apparatus disclosed in Takehara does not transfer the sheet bunch before the first staple is disposed." Examiner disagrees and maintains that Takehara does disclose stapling after once conveying as claimed. The sheets are initially conveyed by 38' and aligned (155' and ST) this being the first conveying. They are then stapled, conveyed a second time and stapled again as set forth in c12 lines 20+ and illustrated in figure 15.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

MCH